

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.
For: **ELECTROSURGICAL BIOPSY
DEVICE AND METHOD**
Serial No.: Not Assigned
Filed: Concurrently
Atty. Docket No.: R0367.00302

) Examiner: Not Yet Assigned
)
) Group Art Unit: Not Yet Assigned

**REQUEST FOR FILING A
CONTINUATION APPLICATION
UNDER 37 CFR §1.53(b)**

03970 U.S. PTO
10/650027
08/27/03

Express Mail Label No. EL 2038907065 US
Mailed on August 27/2003

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of copending prior application Serial No. 09/819,185, filed March 27, 2001, of Fred H. Burbank et al., for ELECTROSURGICAL BIOPSY DEVICE AND METHOD, which is continuation of then copending application Serial No. 09/159,467, filed September 23, 1998, now U.S. Patent No. 6,261,241, which is a continuation-in-part of then copending application Serial No. 09/057,303, filed April 8, 1998, now U.S. Patent No. 6,331,166, which claims benefit of provisional application Serial No. 60/076,973, filed March 3, 1998, all of which are incorporated herein in its entirety.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior

compending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

☒ the same as those named in the prior application.

☐ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. ☒ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

☐ amendment below;

☒ attached Preliminary Amendment.

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Filing Fee	2006				\$375
Independent Claims	2201	4 - 3=	1 x	\$42=	42
Total Claims	2202	31 -20=	11 x	\$9=	99

Total Filing Fee.....\$516

4. Payment of Filing Fees:

☒ The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 04-1679, referencing Attorney Docket No. R0367.00302. **A duplicate copy of this paper is attached.**

5. Please amend the specification by inserting before the first line, -- This application is a continuation under 37 C.F.R. § 1.53(b), of compending prior application Serial No. 09/819,185, filed March 27, 2001, of Fred H. Burbank et al., for ELECTROSURGICAL BIOPSY DEVICE AND METHOD, which is continuation of then compending application Serial No. 09/159,467, filed September 23, 1998, now U.S. Patent No. 6,261,241, which is a continuation-in-part of then compending application Serial No. 09/057,303, filed April 8, 1998, now U.S. Patent No. 6,331,166, which claims benefit of provisional application Serial No. 60/076,973, filed March 3, 1998, all of which are incorporated herein in its entirety.--

6. The prior application is assigned of record to:

SenoRx, Inc.

7. The power of attorney in the prior application is to: **Edward J. Lynch.**

/X/ The power appears in the original papers in the prior application.

/ A Power of Attorney and Revocation of Prior Powers is enclosed.

8. **Please address all future correspondence to:**

**Edward J. Lynch
Duane Morris LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105**

9. Documents enclosed:

/X/ Copy of prior complete application as filed including: specification (32 pages) including Description (24 pages), Claims (7 pages), Abstract (1 page); formal drawings (7 sheets); signed Declaration And Power Of Attorney (4 pages).

/X/ Copy of signed Assignment (4 pages) and form PTO-1595 (1 page) as filed in the prior application.

/X/ Preliminary Amendment.

/X/ Change Of Correspondence Address.

/X/ Self-stamped return receipt postcard.

Respectfully submitted,

By: 

Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

**DUANE MORRIS LLP
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AND METHOD**

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**CHANGE OF
CORRESPONDENCE ADDRESS**

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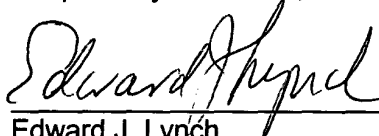
Mail Stop CPA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please address future correspondence for this application as follow:

Edward J. Lynch
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Respectfully submitted,



Edward J. Lynch
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